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| APPLICATION NO.       | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------|-------------|----------------------|---------------------|------------------|
| 10/510,091            | 04/27/2005  | Elconore Braun       | 076326-0288         | 4252             |
| 22428                 | 7590        | 09/20/2007           | EXAMINER            |                  |
| FOLEY AND LARDNER LLP |             |                      | FLEMING, FAYE M     |                  |
| SUITE 500             |             |                      | ART UNIT            |                  |
| 3000 K STREET NW      |             |                      | PAPER NUMBER        |                  |
| WASHINGTON, DC 20007  |             |                      | 3616                |                  |
|                       |             |                      | MAIL DATE           | DELIVERY MODE    |
|                       |             |                      | 09/20/2007          | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/510,091             | BRAUN, ELEONORE     |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Faye M. Fleming        | 3616                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 26-28 is/are rejected.
- 7) ☒ Claim(s) 7-25 and 29-38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner..
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                           |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 5 and 38 is objected to because of the following informalities: in claim 5, the term "in" is repeated therefore "in" should be deleted and in claim 38, a period (.) should be at the end of the claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 22, 31 and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, the phrase "in front of whose one surface the airbag" and "on the one hand, and of the retaining element, on the other hand" is unclear.

Regarding claims 22 and 33, the phrase "in particular" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

Claim 31 recites the limitation "the stabilizing element (90)". There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 and 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiramitsu, et al. (5,791,682).

An airbag unit comprising an airbag (13), a flat supporting element (21) having an opening (19), and a retaining element (18) which interacts with the supporting element (21) in order to fix the airbag (13) thereon, one section (27) of the airbag (13) extending through the opening (19) of the supporting element (21) to the other side of the supporting element and being retained there in front of the other surface of the supporting element by means of the retaining element (35), wherein the dimensions of the opening (19) of the supporting element (21), are coordinated with one another in such a manner that the retaining element (35) can be guided through the opening (19) in a first spatial orientation and an edge region (37) of the opening (19) prevents the retaining element (35) from being guided through in at least one second spatial orientation of the retaining element (35). The airbag section (27) holds the retaining element (35). The airbag section (27) is retained in a form-fitting manner on the supporting element (21) by the retaining element (35). The retaining element (35) reaches behind the edge of the opening (19) of the supporting element (21). The retaining element (35) is designed as a retaining plate which, when aligned essentially parallel to the associated surface of the supporting element (21), reaches behind the edge of the opening (19) of the supporting element (21) and, when aligned essentially vertically with respect to the associated surface of the supporting element (21), can be guided through the opening (19) of the supporting element (21). The opening (19) of the supporting element has a slot of defined width and slot length, and in that the retaining element (35) is designed as a retaining plate having such a thickness and having such edge lengths that the thickness of the retaining plate is smaller than the width of the slot and at least one edge

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length of the retaining plate is smaller than the slot length. The supporting element (21) is of multi-part design. A first part and a second part (see figure 3) of the supporting element (21) have a respective cutout (37) and the opening (19) of the supporting element (21) is formed by the adjacent arrangement of the cutouts (37) of the two parts of the supporting element (21). Extensions (35) which at least partially surround the gas generator (31) are provided in each case on the two parts of the supporting element (21).

### ***Allowable Subject Matter***

6. Claims 7-21, 23-25, 29, 30, 32 and 34-38 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 22, 31 and 33 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

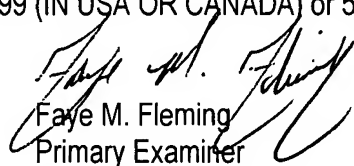
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye M. Fleming whose telephone number is (571) 272-6672. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Faye M. Fleming  
Primary Examiner  
Art Unit 3616  
09/06/07